FILED October 6, 2020 INDIANA UTILITY REGULATORY COMMISSION

#### STATE OF INDIANA

#### INDIANA UTILITY REGULATORY COMMISSION

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PETITION OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, FOR APPROVAL TO ADJUST ITS RATES AND CHARGES AND ISSUE BONDS

**CAUSE NO. 45367** 

#### **PUBLIC'S EXHIBIT NO. 4**

#### SETTLEMENT TESTIMONY

OF

#### THOMAS W. MALAN

#### **ON BEHALF OF**

#### THE INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR

**OCTOBER 6, 2020** 

Respectfully Submitted,

Dail M. Z. Vuz

Daniel M. Le Vay, Atty. No. 22184-49 Deputy Consumer Counselor T. Jason Haas, Atty. No. 34983-29 Deputy Consumer Counselor 115 W. Washington St., Ste 1500 South Indianapolis, IN 45204

#### **CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing *Public's Exhibit No. 4 - Settlement Testimony of Thomas W. Malan* has been served upon the following counsel of record in the captioned proceeding by electronic service on October 6, 2020.

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#### SETTLEMENT TESTIMONY OF OUCC WITNESS THOMAS W. MALAN CAUSE NO. 45367 TOWN OF CEDAR LAKE

#### I. INTRODUCTION

- 1 Q: Please State your name and business address.
- 2 A: My name is Thomas W. Malan, and my business address is 115 W. Washington
- 3 St., Suite 1500 South, Indianapolis, IN 46204
- 4 Q: Did you previously file testimony in this proceeding?
- 5 A: Yes. My case-in-chief testimony was filed as Public's Exhibit No. 1 and includes
- 6 my qualifications and experience.

#### 7 Q: What is the purpose of your testimony?

8 A: The purpose of my testimony is to support the Stipulation and Settlement 9 Agreement ("Settlement") between the Town of Cedar Lake ("Cedar Lake" or 10 "Petitioner") and the OUCC (collectively the "Settling Parties"). I testify the public 11 interest will be served if the Indiana Utility Regulatory Commission 12 ("Commission") approves the Settlement.

#### II. <u>SETTLEMENT</u>

- Q: What agreement did Cedar Lake and the OUCC reach with respect to Cedar
   Lake's requested increase to its rates and charges?
- A: The OUCC and Cedar Lake agreed for purposes of compromise and settlement that
  Cedar Lake should be authorized to increase rates and charges for water service to
- 17 reflect an overall *pro forma* net revenue requirement of \$1,473,075 yielding an
- 18 annual increase of \$192,499, or 15.0% over Cedar Lake's current revenues at

Public's Exhibit No. S4 Cause No. 45367 Page 2 of 9

1 existing rates. The OUCC and Cedar Lake reached agreement on all revenue 2 requirements for Cedar Lake, which agreement is reflected in the accounting schedules attached as Exhibit A to the Joint Stipulation and Settlement Agreement. 3 Did the Settling Parties agree to any other terms regarding the rate increase? 4 **Q**: 5 A: Yes. The Settling Parties agree the rate increase authorized shall be implemented 6 in one phase to be effective no sooner than sixty (60) days in advance of the closing 7 on the proposed bonds.

		РЕГ		Settlement	More (Less)
	OUCC	Rebuttal	Settlement	OUCC	PET
Operating Expenses	\$ 698,574	\$ 833,401	\$ 757,015	\$ 58,441	\$ (76,386)
Taxes other than Income	44,241	49,379	45,994	1,753	(3,385)
Depreciation Expense	170,389	210,571	200,629	30,240	(9,942)
Payment in Lieu of Taxes	4,607	46,030	42,756	38,149	(3,274)
Debt Service					
Current Debt	324,612	324,612	324,612	-	-
Proposed Debt	92,536	92,536	92,536	-	-
Debt Service Reserve	14,641	19,753	19,753	5,112	_
Total Revenue Requirements Revenue Requirement Offsets:	1,349,600	1,576,282	1,483,295	133,695	(92,987)
Interest Income	(3,029)	-	-	3,029	-
Other Income	(10,220)	(9,982)	(10,220)		(238)
Pro forma Net Revenue Requirements	1,336,351	1,566,300	1,473,075	136,724	(93,225)
Less: Revenues at current rates subject to increase Revenues Not Subject to Increase	(1,283,271)	(1,271,762)	(1,283,271)	-	(11,509) _
Net Revenue Increase Required	53,080	294,538	189,804	136,724	(104,734)
Divide by Revenue Conversion Factor (100% - 1.4%)	0.986	0.986	0.986	0.986	0.986
Recommended Increase	\$ 53,834	\$ 298,720	\$ 192,499	\$ 138,665	\$(106,221)
Recommended Percentage Increase	4.20%	23.49%	15.00%	10.80%	-8.49%

#### **Table 1: Revenue Requirement Comparison**

### A. Operating and Maintenance Expenses, Including Taxes Other than Income

1	Q:	Did the Settling Parties agree to total operating and maintenance expense?
2	A:	Yes. As reflected in Table 1 above, the Settling Parties agreed to pro forma
3		operating and maintenance expense of \$757,015 and pro forma taxes other than
4		income of \$45,994. The Settling Parties reached a compromise on the following
5		disputed categories: (1) salary and wage expense, including employees benefits,
6		pension expense, and payroll taxes; (2) legal expenses; (3) capital costs; (4) out-of-
7		period expenses; and (5) periodic maintenance.
8	Q:	To what did the Settling Parties agree regarding salary and wage expense?
9	A:	For purposes of settlement, the Settling Parties agreed to the OUCC's exclusion of
10		allocated salary and wage expenses except for two sub-categories. The Settling
11		Parties agreed to the inclusion of 17.8% of Town Council salaries and associated
12		payroll tax expense and all of the proposed 18.0% of the Chief Deputy CPS (Chief
13		Clerk Treasurer) and associated employee benefits, pension expense, and payroll
14		tax expense.
15 16	Q:	To what did the Settling Parties agree regarding non-allowed, capital, and out- of-period expenses?
17	A:	The Settling Parties agreed to exclude \$2,478 of legal expenses, \$10,325 of
18		engineering fees, and \$7,757 of out-of-period expenses.
19 20	Q:	To what did the Settling Parties agree regarding periodic maintenance expense?
21	A:	The OUCC confirmed and agreed test year periodic maintenance costs had not
22		already been included in Petitioner's presentation of test year operating expenses.

For purposes of

1 The Settling parties therefore agreed that *pro forma* periodic maintenance expense 2 should be \$102,725, including \$83,455 for tank painting and maintenance. **B.** Depreciation Expense 3 **O**: Did the Settling Parties agree to an amount of depreciation expense? 4 A: Yes. The Settling Parties agreed that for purposes of settlement, Cedar Lake's 5 revenue requirement shall include \$200,629 of annual depreciation expense. This 6 amount is based on an average depreciation expense for the life of these rates (five 7 years). The first year is based on current depreciation expense of \$160,860 and each 8 subsequent year is based on depreciation expense of \$210,629, which includes an 9 additional \$49,711 for the debt-funded capital projects that have yet to be built. 10 **Q**: Please explain how this provision of the Settlement is reasonable. 11 A: Originally, Cedar Lake requested rates be based on an Extensions and 12 Replacements (E&R) revenue requirement of approximately \$210,000. But in its 13 second supplemental filing, Cedar Lake revised its request to seek depreciation

14 expense instead of E&R. While E&R is usually based on a five-year average of 15 anticipated expenditures, depreciation expense is typically based on total 16 construction cost of utility plant in service at the end of the test year. Therefore, if 17 the Commission does increase rates to reflect new plant built and placed in service 18 after rates are in place, it would normally be implemented, if at all, through a second 19 phase. However, Cedar Lake prefers a single-phase increase to eliminate the cost 20 and other potential consequences of having a second phase. 21 settlement, and based on the facts of this case including all terms of the settlement,

22 averaging depreciation expense to include the anticipated level of depreciation over

1	five years is an acceptable means in this case of achieving Cedar Lake's goal of
2	recovering depreciation expense for its projects with only one increase.
3	One of the necessary factors to make this provision reasonable is Cedar
4	Lake's commitment to decrease its rates if it falls short of its projected capital costs.
5	The average used for depreciation expense is based on anticipated construction
6	costs incurred for the completion of certain capital improvements. Cedar Lake has
7	agreed to decrease its rates to reflect the actual costs of its capital improvements as
8	of December 31, 2022, if it has not spent the amount used to calculate the average.

9 This provision ensures that Cedar Lake customers are paying rates based on 10 depreciation expense of projects that were completed and that no depreciation for 11 uncompleted projects will be included.

#### C. Payment in Lieu of Taxation ("PILOT")

# 12Q:In the context of an overall settlement, did the Settling Parties agree to an<br/>amount of PILOT expense?

A: Yes. The Settling Parties have agreed that Cedar Lake's revenue requirement shall
include \$42,756 of annual PILOT expense. Similar to the calculation above for
depreciation expense, this amount is a five (5) year average of this expense The
first year is based on current PILOT of \$29,659 and each subsequent year is based
on PILOT of \$46,030 to reflect the level of anticipated book value of Cedar Lake's
UPIS, including the debt-funded capital projects.

#### 20 Q: Please explain how this provision of the Settlement is reasonable.

- 21 A: This provision serves the public interest because the first year of PILOT expense is
- 22 based on Cedar Lake's current capital improvements. The PILOT expense in the

1	four (4) subsequent years is \$46,030 and is based on current capital improvements
2	and proposed capital improvements. If Cedar Lake has not completed the proposed
3	capital improvements necessary to justify the PILOT increase by December 31,
4	2022, Petitioner has agreed in settlement to decrease its rates to reflect an amount
5	of PILOT based on the value of the capital improvements that were completed.
6	This ensures that customers are not paying expenses for capital improvements that
7	have not been completed.

#### D. <u>Debt Service and Debt Service Reserve</u>

# 8 Q: In the context of the overall settlement, did the Settling Parties agree to the 9 amount of, and interest on, Bonds?

A: Yes. The Settling Parties agree that Cedar Lake should be authorized to issue
Bonds of up to \$3,915,000 at an interest rate not to exceed 5.0%. Further the
Settling Parties agree that the annual debt service revenue requirement shall be
\$417,148, consisting of \$324,612 of current debt service and \$92,536 of debt
service on the new debt issuance.
The Settling Parties agree that \$19,753 of annual debt service reserve be

- included in the revenue requirement. This revenue requirement does not include
  any prefunding of the debt service reserve account with eastside territory SDC
- 18 funds as had been proposed by the OUCC. Those funds would remain available
- 19 for appropriate Eastside SDC costs.

#### E. Tank Painting and Maintenance Agreement

1 **Q**: In the context of an overall settlement, did the Settling Parties agree to any 2 additional terms regarding tank painting and maintenance expense? 3 Yes. Cedar Lake represented that it intends to enter into an agreement with Suez A: 4 for tank painting and tank maintenance. The Settling Parties agree that Cedar Lake 5 shall have funds sufficient to enter into the tank painting and maintenance 6 agreement with Suez. Upon entering into the Suez agreement, Cedar Lake shall 7 advise the OUCC and provide a copy of the executed agreement. The settlement 8 provides that if Cedar Lake fails to enter into an agreement, or if such agreement 9 terminates, Cedar Lake will place \$83,455 in a restricted account each year during 10 the life of the rates and hold such funds in this account until the funds are used for 11 tank painting or tank maintenance expenses.

#### 12 Q: How is this provision of the settlement in the public interest?

A: These provisions further protect the public's interest by insuring Cedar Lake's
assets are maintained and that funds are available to complete needed tank
maintenance.

#### F. System Development Charges ('SDC'')

# Q: In the context of an overall settlement, did the Settling Parties agree to specific treatment of funds from Cedar Lake's current Eastside SDC?

A: Yes. The Settling Parties agree that Cedar Lake will file an SDC case before the
Commission on or before September 1, 2021, seeking approval for its eastside
territory SDC ("Future SDC Case"). Until the Future SDC Case is filed, Cedar
Lake agrees to deposit all SDC's collected from its eastside territory in a restricted

1		account that may only be used for construction costs on utility projects for eastside
2		operations, subject to the Commission's order in the Future SDC Case.
3	Q:	How is this provision of the settlement in the public interest?
4	A:	This provision will protect the new and existing customers in Cedar Lake's eastside
5		district from being overcharged for water services. The Future SDC Case will
6		ensure that customers of Cedar Lake's eastside district are paying a fair and just
7		amount to connect to the system.
	G. <u>F</u> i	iling of True-up Report and Revision of Tariff
8 9	Q:	In the context of the overall settlement, did the Settling Parties agree to a true-up process for the debt issuance?
10	A:	Yes. The Settling Parties agreed that within thirty (30) days of the closing on
11		the issuance of debt, Cedar Lake will file a true-up report to reflect the actual
12		cost of the debt.
13 14	Q:	In the context of an overall settlement, did the Settling Parties agree to specific tariff rates for Cedar Lake?
15	A:	Yes. As presented in Schedule 8 - "Proposed Tariff," the Settling Parties have
16		agreed to single tariff pricing for all customers with regards to metered water rates
17		and minimum charges that produce an overall 15.00% increase in operating
18		revenues
19	Q:	How is this provision of the settlement reasonable and in the public interest?
20	A:	Cedar Lake's current tariff has charges for three separate areas, and depending on
21		a customer's address, they are currently charged one of the three different rates.
22		This provision will eliminate any confusion arising from different rates being
23		charged to customers of the same utility. Furthermore, single tariff pricing for

metered water rates and minimum charges will ensure that each customer pays a
 fair and equitable portion of the utility's expenses.

#### III. CONCLUSION

# Q: Does this settlement resolve all issues raised by the parties to this proceeding in their respective testimonies and exhibits?

5 A: Yes, the settlement resolves all issues in the Cause raised by the parties.

#### 6 Q: Is this settlement in the public interest?

7 A: Yes. This settlement is a reasonable compromise between the positions of the 8 OUCC and Cedar Lake and should be approved. The settlement addresses the 9 issues of rate design, debt issuance, and system development charges without the 10 need for litigation, reducing cost for the Petitioner. The settlement also provides 11 certainty of the Petitioner's ability to raise sufficient revenue to pay all lawful 12 expenses incident to the operation of the utility. Also, the ratepayers will receive 13 the benefit of lower than requested rates. Finally, the Settlement was reached with 14 the understanding and specific provision that it is not intended to create precedent. 15 Such agreements permit parties to reach reasonable agreements that lower costs and 16 produce good results without fear that they will be impairing their ability to assert 17 rights or argue positions in other cases. I believe the Settlement and its approval is 18 in the public interest. 19 Does this conclude your testimony? **Q**:

20 A: Yes

### Settlement Schedule 1 Page 1 of 3

# Town of Cedar Lake Utilities CAUSE NUMBER 45367

### Comparison of Petitioner's and OUCC's Revenue Requirements

	Per Petitioner							
		Updated	Per	Per		Sch	Settlement	More (Less)
	Original	(SRF)	OUCC	Rebuttal	Settlement	Ref	OUCC	Rebuttal
Operating Expenses	\$ 935,537	\$ 843,44	7 \$ 698,574	\$ 833,401	\$ 757,015	4	\$ 58,441	\$ (76,386)
Taxes other than Income	50,600	49,37	9 44,241	49,379	45,994	4	1,753	(3,385)
Depreciation Expense	210,571	210,57	1 170,389	210,571	200,629	6	30,240	(9,942)
Payment in Lieu of Taxes	3,340	4,49	5 4,607	46,030	42,756	7	38,149	(3,274)
Debt Service								
Current Debt	324,612	324,61	2 324,612	324,612	324,612	PET	-	-
Proposed Debt	126,176	68,57	4 92,536	92,536	92,536	PET	-	-
Debt Service Reserve	36,200	19,75	3 14,641	19,753	19,753	PET	5,112	
Total Revenue Requirements Revenue Requirement Offsets:	1,687,036	1,520,83	1 1,349,600	1,576,282	1,483,295		133,695	(92,987)
Interest Income	-	-	(3,029)	-	-		3,029	-
Other Income	(142,952)	(9,98	· ,	(9,982)	(10,220)	3		(238)
Pro forma Net Revenue Requirements	1,544,084	1,510,84	9 1,336,351	1,566,300	1,473,075		136,724	(93,225)
Less: Revenues at current rates subject to increase	(1,359,028)	(1,271,76	2) (1,283,271)	(1,271,762)	(1,283,271)	4	-	(11,509)
Revenues Not Subject to Increase								
Net Revenue Increase Required	185,056	239,08	7 53,080	294,538	189,804		136,724	(104,734)
Divide by Revenue Conversion Factor (100% - 1.4%)	0.986	0.98	6 0.986	0.986	0.986		0.986	0.986
Recommended Increase	\$ 187,684	\$ 242,48	1 \$ 53,834	\$ 298,720	\$ 192,499		\$ 138,665	\$ (106,221)
Recommended Percentage Increase	13.81%	19.07	% 4.20%	23.49%	15.00%		10.80%	-8.49%

### Settlement Schedule 1 Page 2 of 3

## Town of Cedar Lake Utilities CAUSE NUMBER 45367

### Comparison of Petitioner's and OUCC's Proposed Rates - Phased-in

				Per Pe	tition	er											
					U	Jpdated		Per		Per		Per		S	Settlement	More	(Less)
			0	riginal		(SRF)	(	DUCC	R	lebuttal	Set	ttlement		(	DUCC	F	Rebuttal
Current Rate for 5,000 (	Gallons																
Krystal Oaks	- \$35.00	(a)	\$	49.55	\$	51.86	\$	45.35	\$	53.79	\$	50.08	8	\$	4.73	\$	(3.71)
<b>Robins Nest</b>	- \$25.81	(a)	\$	49.55	\$	51.86	\$	45.35	\$	53.79	\$	50.08	8	\$	4.73	\$	(3.71)
Westside/Eastside	- \$43.55		\$	49.55	\$	51.86	\$	45.35	\$	53.79	\$	50.08	8	\$	4.73	\$	(3.71)
Percent Increase																	
Krystal Oaks	- \$35.00	(a)		41.57%		48.17%		29.57%		53.69%		43.09%	8		13.52%		-10.60%
Robins Nest	- \$25.81	(a)		91.98%		100.93%		75.71%		108.41%		94.03%	8		18.32%		-14.38%
Westside/Eastside	- \$43.55			13.78%		19.08%		4.13%		23.51%		14.99%	8		10.86%		-8.52%

				Per Pe	titione	er											
					U	pdated		Per		Per		Per		S	ettlement	More (	(Less)
			O	riginal	(	(SRF)	(	DUCC	R	ebuttal	Se	ttlement		0	UCC	R	ebuttal
Current Rate for 2,000 (	<u> Fallons</u>																
Krystal Oaks	- \$21.00	(a)	\$	20.31	\$	21.46	\$	18.76	\$	22.26	\$	20.72	8	\$	1.96	\$	(1.54)
<b>Robins Nest</b>	- \$21.56	(a)	\$	20.31	\$	21.46	\$	18.76	\$	22.26	\$	20.72	8	\$	1.96	\$	(1.54)
Westside/Eastside	- \$36.04		\$	20.31	\$	21.46	\$	18.76	\$	22.26	\$	20.72	8	\$	1.96	\$	(1.54)
Percent Increase																	
Krystal Oaks	- \$21.00			-3.29%		2.19%		-10.67%		6.00%		-1.33%	8		9.34%		-7.33%
Robins Nest	- \$21.36			-4.92%		0.47%		-12.17%		4.21%		-3.00%	8		9.17%		-7.21%
Westside/Eastside	- \$36.04			-43.65%		-40.46%		-47.95%		-38.24%		-42.51%	8		5.44%		-4.27%

(a) Please note the current rates for Krystal Oaks and Robins Nest customers do not include the current monthly fire protection charge of \$0.50. The current fire protection charge is being eliminated and no Cedar Lake customers will be charged a separate fire protection change once the proposed rates are implemented.

Settlement Schedule 1 Page 3 of 3

# Town of Cedar Lake Utilities CAUSE NUMBER 45367

### Reconciliation of Net Operating Income Statement Adjustments *Pro-forma* Present Rates

	Per	Per	Per	Settlement More (Les			
	OUCC	Rebuttal	Settlement	OUCC	Rebuttal		
Operating Revenues							
Water Sales							
Test Year Customer Growth	\$ 45,265	\$ 45,265	\$ 45,265	\$ -	\$ -		
Single Tariff for all customers	49,339	49,339	49,339	-	-		
Post Test Year Customer Growth	90,833	90,833	90,833	-	-		
Reduction to Westside Minimum Charge	(87,266)	(87,266)	(87,266)	-	-		
Fire Protection	-				-		
Total Operating Revenues	98,171	98,171	98,171		-		
O&M Expense							
Salaries and Wages	108,510	175,669	131,432	22,922	(44,237)		
Employee Benefits	48,027	58,276	50,980	2,953	(7,296)		
PERF	13,742	17,191	14,629	887	(2,562)		
System Delivery (Normalization)	7,763	7,763	7,763	-	-		
SBOA Audit	1,450	1,450	1,450	-	-		
Non-recurring Contract Services	(115,692)	(115,692)	(115,692)	-	-		
Costs that are Capital in Nature	(10,325)	-	(10,325)	-	(10,325)		
Out of Period Expenses	(7,757)	-	(7,757)	-	(7,757)		
Non-Water Utility Legal Costs	(2,478)	-	(2,478)	-	(2,478)		
Periodic Maintenance	71,046	104,457	102,725	31,679	(1,732)		
Remove Tap-on Costs	(94,890)	(94,890)	(94,890)	-	-		
Rate Case Expense Amortization	40,000	40,000	40,000	-	-		
Taxes Other than Income							
Payroll Taxes	8,970	14,108	10,723	1,753	(3,385)		
Utilities Receipt Tax	170	170	170	-	-		
Total Operating Expenses	68,536	208,502	128,730	60,194	(79,772)		
Net Operating Income	\$ 29,635	\$ (110,331)	\$ (30,559)	\$ (60,194)	\$ 79,772		

### COMPARATIVE BALANCE SHEET <sup>(A)</sup> As of December 31,

ASSETS	2019	2018	2017
Utility Plant:			
Utility Plant in Service	\$ 5,197,951	\$ 5,006,748	\$ 4,856,357
Less: Accumulated Depreciation	(1,215,283)	(1,114,158)	(1,016,334)
Less: Utility Plant Acquisition Adjustment	(265,648)	(272,043)	(278,438)
Net Utility Plant in Service	3,717,020	3,620,547	3,561,585
<b>Restricted Accounts:</b>			
Debt Service Reserve	315,819	340,323	329,230
Debt Service	199,634	206,477	180,349
Debt Service - 2010B	79,734	76,075	75,338
Depreciation Fund	2	2	2
Water Development Fund	84,346	67,600	55,737
Water Development Fund - Restricted	161,155	131,689	112,933
<b>Total Other Property &amp; Investments</b>	840,690	822,166	753,589
Current Assets:			
Cash and Cash Equivalents	643,057	520,395	345,402
Customer Deposits	23,540	16,844	12,236
Accounts Receivable	2,545	9,274	16
Materials and Supplies	47,586	47,586	47,586
Total Current Assets	716,728	594,099	405,240
Deferred Debits			
Unamortized Debt Discount and Expense	404,298	440,778	477,258
Organization Cost for Utilities, Inc. Acquisition	393,188	393,188	393,188
Organization Cost for Robins Nest Acquisition	254,411	254,411	254,411
Total Deferred Debits	1,051,897	1,088,377	1,124,857
Total Assets	\$ 6,326,335	\$ 6,125,189	\$ 5,845,271

(A) Information per Cedar Lake IURC Annual Reports.

### COMPARATIVE BALANCE SHEET<sup>(A)</sup> As of December 31,

LIABILITIES	2019	2018	2017
Equity Retained Earnings	\$ 2,471,943	\$ 2,045,426	\$ 1,631,766
Paid in Capital	\$ 2,471,943	\$ 2,043,420	\$ 1,031,700
Total Equity	2,471,943	2,045,426	1,631,766
Contributions in Aid of Construction	559,978	475,854	397,784
Long-term Debt			
2009 SRF Revenue Bonds (3.15%)	412,000	473,500	533,000
2010 Series A SRF Revenue Bonds (2.92%)	1,010,000	1,095,000	1,180,000
2010 Series B Revenue Bonds (4.98%)	340,000	450,000	505,000
2012 SRF Revenue Bonds (2.69%)	1,207,000	1,225,000	1,242,000
Total Long-term Debt	2,969,000	3,243,500	3,460,000
Current & Accrued Liabilities			
Accounts Payable	328	326	177
Notes Payable to Associated Entities	-	46,000	46,000
Customer Deposits	23,540	16,844	12,236
Accrued Taxes	20,797	19,978	22,201
Accrued Interest	51,454	55,166	58,713
Current Portion of Long-term Debt	224,500	216,500	210,000
Other Current Liabilities	320,619	354,814	349,327
Differed Credits			
Unamortized Premium on Debt	4,795	5,595	6,394
Other Current Liabilities	4,795	5,595	6,394
Total Equity & Liabilities	\$ 6,326,335	\$ 6,125,189	\$ 5,845,271

(A) Information per Cedar Lake IURC Annual Reports.

### COMPARATIVE INCOME STATEMENT <sup>(A)</sup> Twelve Months Ended December 31,

	2019	2018	2017
Operating Revenues			
Water Sales	\$ 1,179,395	\$ 1,062,816	\$ 989,813
Penalties	5,705	5,544	4,909
Other Water Revenues			
Tap-on Fees	132,970	140,489	103,935
Reconnect Fees	680	800	360
Misc. Receipts	9,540	6,708	6,721
<b>Total Operating Revenues</b>	1,328,290	1,216,357	1,105,738
Operating Expenses			
Salaries and Wages	237,239	247,281	250,089
Employee Benefits	96,407	86,967	72,045
Purchased Power	63,034	53,741	52,800
Chemicals	14,322	10,565	11,573
Materials and Supplies	25,314	5,438	25,789
Contractual Services		-	
Engineering	29,013	36,368	8,403
Legal	14,390	21,208	20,453
Other	91,458	12,704	6,549
Transportation Expense	11,687	6,245	6,393
Insurance - General Liability	22,073	15,147	20,791
Bad Debt Expense	-	-	-
Rate Case Expense Amortization	-	-	-
Miscellaneous Expense	34,241	42,451	50,854
Total O&M Expense	639,178	538,115	525,739
Depreciation Expense	101,125	97,824	95,325
Amortization Expense	(6,394)	(6,394)	95,525
Taxes Other than Income	(0,394)	(0,394)	-
Payroll Taxes	17,480	18,103	18,528
Utilities Receipt Tax	17,480	17,083	15,860
Sales Tax	17,021	(2,223)	12,233
Sales Tax	769,010	662,508	667,685
Net Operating Income	559,280	553,849	438,053
Other Income (Expense)	2	2	0.405
Interest Income	3,029	3,029	9,425
Interest Expense	(100,112)	(107,538)	(116,029)
Amortization of Debt Discount	(36,480)	(36,480)	(36,480)
Amortization of Debt Premium	800	800	800
Total Other Income (Expense)	(132,763)	(140,189)	(142,284)
Net Income	\$ 426,517	\$ 413,660	\$ 295,769

(A) Information per Cedar Lake IURC Annual Reports.

# Pro Forma Net Operating Income Statement

Operating Revenues		Year Ended 2/31/2019	Adjustments	Sch Ref	]	Pro forma Present Rates	Ad	justments	Sch Ref	r <i>o forma</i> Proposed Rates
Operating Revenues										
Water Sales	\$	1,179,395			\$	1,277,566	\$	191,643		\$ 1,469,209
Test Year Customer Growth			45,265	PET						
Single Tariff for all customers (Robins			49,339	PET						
Nest and Krystal Oaks)										
Post Test Year Customer Growth			90,833	PET						
Reduction to Westside Minimum Charge			(87,266)	PET				0		
Penalties		5,705		DET		5,705		856		6,561
Tap-on Fees		132,970	(132,970)	PET		-				-
Miscellaneous Revenues		10,220				10,220		100 100		 10,220
Total Operating Revenues		1,328,290	(34,799)			1,293,491		192,499	1	 1,485,990
O&M Expense										
Salaries and Wages		237,239	131,432	5-1		368,671				368,671
Employee Benefits		96,407	50,980	5-2		162,016				162,016
PERF Expense			14,629	5-4						
Purchased Power		63,034	6,220	OUCC		64,022				64,022
Out of Period			(5,232)	5-7						
Chemicals		14,322	1,543	OUCC		15,865				15,865
Materials and Supplies		25,314				25,314				25,314
Contractual Services		134,861	(115,692)	PET		107,803				107,803
Legal Services			(2,478)	5-5						
Engineering Services			(10,325)	5-6						
Out of Period - Engineering			(1,288)	5-7						
Periodic Maintenance			102,725	5-8						
Travel & Transportation Expense		11,687				11,687				11,687
Insurance		22,073				22,073				22,073
Bad Debt Expense		-				-				-
Rate Case Expense Amortization		-	40,000	PET		40,000				40,000
Miscellaneous Expense		34,241	1,450	PET		34,454				34,454
Out of Period			(1,237)	5-7						-
Tap-On Cost			(94,890)	PET		(94,890)				(94,890)
Taxes Other than Income										
Payroll Taxes		17,480	10,723	5-3		28,203				28,203
Utilities Receipt Tax		17,621	170	PET		17,791		2,695	Sch 1	20,486
Total Operating Expenses		674,279	128,730			803,009		2,695		 805,704
Net Operating Income	\$	654,011	\$ (163,529)		\$	490,482	\$	189,804		\$ 680,286

### **OUCC Expense Adjustments**

(1)

# Salaries & Wages

To adjust test year salaries and wages for additional utility employees and allocated city employees.

<u>Title</u>	<u>Salary</u>	Allocation (%)	All	<u>ocation</u>	
Water Utility Superintendent	\$ 54,907.01	100.00%	\$	54,907	
Water Utility Operator	40,946.88	100.00%		40,947	
Operations Director	69,652.13	25.00%		17,413	
Foreman PW	46,378.18	23.00%		10,667	
Foreman	46,378.18	50.00%		23,189	
Crew Worker	40,946.88	22.00%		9,008	
Crew Worker	40,946.88	22.00%		9,008	
Crew Worker	40,946.88	22.00%		9,008	
Crew Worker	40,946.88	25.00%		10,237	
Crew Worker	40,946.88	33.00%		13,512	
Crew Worker	40,946.88	33.00%		13,512	
Crew Worker	40,946.88	50.00%		20,473	
Crew Worker	40,946.88	33.00%		13,512	
Crew Worker	40,946.88	22.00%		9,008	
Admin Assistant	37,425.02	23.00%		8,608	
Town Administrator	69,652.13	17.50%		12,189	
Town Council	84,000.00	17.80%		15,005	
Administrative Assistance	37,440.00	17.50%		6,552	
PT Administrative Assistance	20,618.00	10.00%		2,062	
Clerk-Treasurer	50,141.00	18.00%		9,025	
Chief Deputy CPS	43,980.77	18.00%		7,917	
Utility Deputy Clerk CMC	38,867.71	33.00%		12,826	
Payroll/Benefits Clack	37,424.94	20.00%		7,485	
AP Clerk	33,309.12	17.50%		5,829	
Town/Utility Billing Clerk	33,309.12	32.00%		10,659	
Town/Utility Billing Clerk	33,309.12	32.00%		10,659	
AP Clerk	16,770.00	18.00%		3,019	
Town/Utility Billing Clerk	7,378.80	33.00%		2,435	
Pro forma Salaries & Wages					\$ 368,671
Less: Test Year Expense					237,239

**Adjustment Increase (Decrease)** 

\$ 131,432

### **OUCC Expense Adjustments**

### (2)

### **Group Insurance Benefits**

To adjust test year group insurance expense for additional utility employees and allocated city employees.

Title	Dental / Life / <u>Disability</u>	Health / Vision	Total	<u>Water %</u>	Annual			
Water Utility Superintendent	\$ 128.03	\$ 1,727.44	\$ 1,855.47	100.00%	\$ 22,266			
Water Utility Operator	97.53	1,726.94	1,824.47	100.00%	21,894			
Operations Director	97.69	1,727.10	1,824.79	25.00%	5,474			
Foreman PW	97.53	1,726.94	1,824.47	50.00%	10,947			
Crew Worker	39.82	602.27	642.09	22.00%	1,695			
Crew Worker	96.43	1,104.61	1,201.04	22.00%	3,171			
Crew Worker	95.42	1,724.83	1,820.25	22.00%	4,805			
Crew Worker	96.56	1,272.26	1,368.82	25.00%	4,106			
Crew Worker	96.56	1,272.26	1,368.82	33.00%	5,421			
Crew Worker	12.47	-	12.47	33.00%	49			
Crew Worker	96.86	1,726.27	1,823.13	50.00%	10,939			
Crew Worker	12.47	-	12.47	33.00%	49			
Crew Worker	96.56	1,272.26	1,368.82	22.00%	3,614			
Admin Assistant	38.43	600.88	639.31	23.00%	1,764			
Town Administrator	98.03	-	98.03	17.50%	206			
Administrative Assistance	38.21	600.66	638.87	17.50%	1,342			
PT Administrative Assistance	-	-	-	10.00%	-			
Clerk-Treasurer	98.03	1,106.21	1,204.24	18.00%	2,601			
Chief Deputy CPS	95.81	1,271.51	1,367.32	18.00%	2,953			
Utility Deputy Clerk CMC	96.13	1,271.83	1,367.96	33.00%	5,417			
Payroll/Benefits Clack	-	-	-	20.00%	-			
AP Clerk	-	-	-	18.00%	-			
Town/Utility Billing Clerk	93.60	1,269.30	1,362.90	32.00%	5,234			
Town/Utility Billing Clerk	94.66	1,724.07	1,818.73	32.00%	6,984			
AP Clerk	-	-	-	18.00%	-			
Town/Utility Billing Clerk	-	-	-	33.00%				
Pro forma Sala	aries & Wages				\$ 120,931			
Less: Test Year Expense								

**Adjustment Increase (Decrease)** 

\$ 50,980

#### **OUCC Expense Adjustments**

### (3)

### **Payroll Taxes**

To adjust test year payroll tax expense for additional allocated employees additional utility employees and allocated city employees.

Pro forma Salaries & Wages Expense	\$ 368,671
Multiply by 7.65% (FICA & Medicare Rate)	7.65%
Pro forma FICA/Medicare	28,203
Less: Test Year Expense	17,480

#### Adjustment Increase (Decrease)

#### 10,723

14,629

\$

\$

#### (4) PERF

To adjust test year PERF expense for additional utility employees and allocated city employees.

Pro forma Salaries & Wages Expense (w/o Council)	\$ 353,666
Cedar Lake PERF Rate (11.2%)	11.20%
Pro forma PERF Expense	39,611
Less: Test Year Expense	 24,982

#### **Adjustment Increase (Decrease)**

#### (5) gal Samiaaa

<u>Legal Services</u>

Adjustment to remove legal invoices allocated from the Town of Cedar Lake that do not pertain to the water department.

			<u>Water</u>	<u>%</u>
Invoice # Invoice Date	<u>Vendor</u>	<u>Total Invoice</u>	<u>Portion</u>	<b>Allocated</b>
81293 01.09.19	Austgen Kuiper Jasaitis P.C.	\$ 6,793	\$ 34	0 5%
81605 02.11.19	Austgen Kuiper Jasaitis P.C.	9,865	49	5%
81904 03.12.19	Austgen Kuiper Jasaitis P.C.	5,711	57	1 10%
82194 04.11.19	Austgen Kuiper Jasaitis P.C.	4,992	49	9 10%
82443 05.07.19	Austgen Kuiper Jasaitis P.C.	5,751	57	10%
			\$ 2,47	'8

**Adjustment Increase (Decrease)** 

\$ (2,478)

### **OUCC Expense Adjustments**

### (6) <u>Capital Costs</u>

Adjustment to remove Engineering invoices that are capital in nature.

Invoice #	Invoice <u>Date</u>	Vendor	Amount
19-568-00-2	12/5/2019	Nies Engineering, Inc.	\$ 5,483.22
19-568-00-1	10/31/2019	Nies Engineering, Inc.	1,890.00
50-829-00-136	12/5/2019	Nies Engineering, Inc.	1,087.00
50-829-00-131	6/26/2019	Nies Engineering, Inc.	700.00
50-830-00-71	5/30/2019	Nies Engineering, Inc.	420.00
50-830-00.74	9/11/2019	Nies Engineering, Inc.	325.00
50-829-00-133	9/11/2019	Nies Engineering, Inc.	280.00
50-829-00-134	9/26/2019	Nies Engineering, Inc.	140.00
		_	\$ 10,325.22

### **Adjustment Increase (Decrease)**

\$ (10,325)

### (7) <u>Out Of Period</u>

Adjustment to remove invoices that were incurred outside of the test year

Invoice #	Invoice <u>Date</u>	Vendor	<u>Amount</u>	
50-830-00-66	1/7/2019	Nies Engineering, Inc.	\$ 483.00	Engineering
194-115-006-6	12/26/2018	NIPSCO	5,232.50	Purchased Power
20302	12/21/2018	Zies & Sons Excavating	805.00	Engineering
91677	1/2/2019	Universal Lighting of Am	1,236.82	Miscellaneous Exp
		_	\$ 7,757.32	

**Adjustment Increase (Decrease)** 

\$ (7,757)

### **OUCC Expense Adjustments**

(8)

### Periodic Maintenance

To increase test year operating expenses to reflect annual periodic maintenance.

To increase test year operating expenses to reflect and	uui peric				Total								
				Annual	Expense -								
Description		<u>Cost</u>	Amort. Period	Amount	<u>6 Years</u>								
Parrish elevated tank maint contract	\$	55,637	1	\$ 55,637	\$ 333,822								
3,000 gallon tank - blast and epoxy coat internal	Ŷ	18,000	15	1,200	7,200								
3,000 gallon tank - external paint		2,000	15	133	798								
3,000 gallon tank - inspection		3,000	5	600	3,600								
3,000 gallon tank - ports		1,200	20	60	360								
Parrish Omnisite alarm fees/maint		756	3	252	1,512								
Parrish Omnisite alarm warranty		165	1	165	990								
Parrish PS - external paint		2,000	20	100	600								
Parrish PS - roof maint		8,000	40	200	1,200								
Parrish Well 1 - insp & clean		16,000	15	1,067	6,402								
Parrish Well 2 - insp & clean		16,000	15	1,067	6,402								
15,000 gallon tank - blast and epoxy coat internal		25,000	15	1,667	10,002								
15,000 gallon tank - external paint		2,000	15	133	798								
15,000 gallon tank - ports		12,000	20	600	3,600								
15,000 gallon tank - inspection		3,000	5	600	3,600								
Havenwood PS - roof maint		15,000	40	375	2,250								
Havenwood PS - siding		10,000	20	500	3,000								
Havenwood Omnisite alarm fees/maint		756	3	252	1,512								
Havenwood Omnisite alarm warranty		165	1	165	990								
Havenwood Well 1 - insp & clean		16,000	15	1,067	6,402								
Havenwood Well 2 - insp & clean		16,000	15	1,067	6,402								
RN 60,000 clear well, power wash, drain		7,500	10	750	4,500								
Robin Nest Omnisite alarm fees/maint		756	3	252	1,512								
Robin Nest Omnisite alarm warranty		165	1	165	990								
Robin Nest Well 1 - insp & clean		16,000	15	1,067	6,402								
Robin Nest Well 2 - insp & clean		16,000	15	1,067	6,402								
GIS mapping - interns		2,500	1	2,500	15,000								
GIS mapping - renew software license		1,000	1	1,000	6,000								
Maint - 2012 van		600	1	600	3,600								
Maint - 2014 van		600	1	600	3,600								
New elevated tank maint contract		55,637	1	55,637	166,911	_							
Total Periodic Maintenance Expense for 6	Year Pe	riod				\$	616,359						
David by: 6 Years							6						
Pro form a Annual Periodic Maintenance I	Expense						102,725						
Less: Test Year Periodic Maintenance							-						
	μA	iustmont In	crease (Decrease)			\$	102,725						
	Au	justinent m	Adjustment Increase (Decrease)										

Settlement Schedule 6 Page 1 of 1

# Town of Cedar Lake Utilities CAUSE NUMBER 45367

### **Depreciation Expense**

		I Test Year			Funded JPIS		Phase 2		
Franchises		<u> </u>	210	\$	-	\$	210		
Land & Land Rights		+	34,500 84,150				118,650		
All Other Depreciable U	PIS	8.0	008,312	3.	830,850	11,839,162			
Total Utility Plant In Ser			043,022		915,000		11,958,022		
Times: Composite Depre	,	,		2.00%					
Calcualted Depreci	<u>2.00%</u> \$ 160,860				\$	239,160			
-	-								
Requested Depreci					\$	210,571			
Five-year Average:	1st Year					\$	160,860		
	2nd Year						210,571		
	3rd Year						210,571		
	4th Year						210,571		
	5th Year						210,571		
							1,003,144		
	Divide by 5 Years						5		
	Five-year Average PILT					\$	200,629		

Settlement Schedule 7 Page 1 of 1

### Town of Cedar Lake Utilities CAUSE NUMBER 45367

### **Payment In Lieu of Property Taxes**

		Test Year	Additional Depreciation	Debt Funded UPIS	Phase 2
Franchises		\$ 210		\$ -	\$ 210
Land & Land Rights		34,500		84,150	118,650
All Other Depreciable UPI	S	8,008,312		3,830,850	 11,839,162
Total Utility Plant In Servi	ce	8,043,022	-	3,915,000	 11,958,022
Less: 2019 Accumulated E	Depreciation	(1,215,283)			(1,215,283)
Depreciation on Con	tributed Plant (Per Petitioner)	(25,125)			(25,125)
2020 Depreciation E	xpense (2% x Depreciable UPIS)		(160,166)		 (160,166)
Net Utility Plant in Service	6,802,614	(160,166)	3,915,000	10,557,448	
Multiple: Town of Cedar Lake Corporate Tax Rate		0.4360%			0.4360%
Pro Forma Payment In Lie	eu of Property Taxes	\$ 29,659			\$ 46,030
<u>Five-year Average:</u>	1st Year				\$ 29,659
<u>y</u>	2nd Year				46,030
	3rd Year				46,030
	4th Year				46,030
	5th Year				46,030
					213,779
	Divide by 5 Years				 5
	Five-year Average PILT				\$ 42,756

Settlement Schedule 8 Page 1 of 3

# Town of Cedar Lake Utilities CAUSE NUMBER 45367

# Current and Proposed Rates and Charges

											Settlement More (Less)			
		C	urrent	P	etitioner roposed pdated)	OUCC Proposed Petitioner (Phase 2) Rebuttal		Settlement		OUCC		Rebuttal		
Krystal Oaks Rate	S													
Metered Water	Rates per 1,000 Gallons													
All consump	tion	\$	7.00											
First 4,000 G	allons			\$	10.73	\$	9.38	\$ 11.13	\$	10.36	\$	0.98	\$	(0.77)
Next 4,000 C	Gallons				8.94		7.83	9.27		8.64		0.81		(0.63)
Next 4,000 C	Gallons				7.33		6.42	7.61		7.08		0.66		(0.53)
Next 4,000 C	Gallons				6.08		5.33	6.31		5.88		0.55		(0.43)
Next 4,000 C	allons				5.18		4.53	5.37		5.00		0.47		(0.37)
Nest 20,000	Gallons				4.30		3.76	4.46		4.15		0.39		(0.31)
	tion Over 40,000 Gallor	ns			1.79		1.56	1.85		1.73		0.17		(0.12)
Minimum Charg	ge													
5/8" Meter	( 3,000 Gallons)	\$	21.00											
5/8" Meter	( 2,000 Gallons)			\$	21.46	\$	18.76	\$ 22.26	\$	20.72	\$	1.96	\$	(1.54)
1" Meter	(10,000 Gallons)		70.00		93.35		81.68	96.82		90.16		8.48		(6.66)
1.5" Meter	( 20,000 Gallons)		140.00		153.08		133.96	158.76		147.84		13.88		(10.92)
2" Meter	( 32,000 Gallons)		224.00		204.66		179.08	212.25		197.64		18.56		(14.61)
3" Meter	( 60,000 Gallons)		420.00		274.77		240.36	284.97		265.44		25.08		(19.53)
4" Meter	(100,000 Gallons)		700.00		346.21		302.76	359.06		334.64		31.88		(24.42)
6" Meter	(200,000 Gallons)	1	,400.00		524.81		458.76	544.29		507.64		48.88		(36.65)
Monthly Fire Hy	/drant Fee	\$	0.50	\$	-	\$	-	\$ -	\$	-	\$	-	\$	-

Settlement Schedule 8 Page 2 of 3

# Town of Cedar Lake Utilities CAUSE NUMBER 45367

# Current and Proposed Rates and Charges

							Settlement More (Less)			
		Current	Petitioner Proposed (Updated)	OUCC Proposed (Phase 2)	Petitioner Rebuttal	Settlement	OUCC	Rebuttal		
Robins Nest										
Metered Water I	Rates per 1,000 Gallons									
First 4,000 Gallons		5.34	\$ 10.73	\$ 9.38	\$ 11.13	\$ 10.36	\$ 0.98	\$ (0.77)		
Next 4,000 Gallons		4.45	8.94	7.83	9.27	8.64	0.81	(0.63)		
Next 4,000 Gallons		3.65	7.33	6.42	7.61	7.08	0.66	(0.53)		
Next 4,000 Gallons		3.03	6.08	5.33	6.31	5.88	0.55	(0.43)		
Next 4,000 Gallons		2.58	5.18	4.53	5.37	5.00	0.47	(0.37)		
Nest 20,000 Gallons		2.14	4.30	3.76	4.46	4.15	0.39	(0.31)		
All Consumption Over 40,000 Gallon		0.89	1.79	1.56	1.85	1.73	0.17	(0.12)		
Minimum Charg	ge									
5/8" Meter	( 4,000 Gallons)	\$ 21.36								
5/8" Meter	( 2,000 Gallons)		\$ 21.46	\$ 18.76	\$ 22.26	\$ 20.72	\$ 1.96	\$ (1.54)		
1" Meter	(10,000 Gallons)	46.46	93.35	81.68	96.82	90.16	8.48	(6.66)		
1.5" Meter	( 20,000 Gallons)	76.20	153.08	133.96	158.76	147.84	13.88	(10.92)		
2" Meter	( 32,000 Gallons)	101.88	204.66	179.08	212.25	197.64	18.56	(14.61)		
3" Meter	( 60,000 Gallons)	136.80	274.77	240.36	284.97	265.44	25.08	(19.53)		
4" Meter	(100,000 Gallons)	172.40	346.21	302.76	359.06	334.64	31.88	(24.42)		
6" Meter	(200,000 Gallons)	261.40	524.81	458.76	544.29	507.64	48.88	(36.65)		
Monthly Fire Hydrant Fee		\$ 0.50	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		

Settlement Schedule 8 Page 3 of 3

# Town of Cedar Lake Utilities CAUSE NUMBER 45367

# Current and Proposed Rates and Charges

												Se	ttlement N	More	(Less)
		Current		Petitioner Proposed (Updated)		OUCC Proposed (Phase 2)		Petitioner Rebuttal		Settlement		OUCC		Rebuttal	
Westside/Eastside															
Metered Water Rates per 1,000 Gallons															
First 4,000 Gallons		\$	9.01	\$	10.73	\$	9.38	\$	11.13	\$	10.36	\$	0.98	\$	(0.77)
Next 4,000 Gallons			7.51		8.94		7.83		9.27		8.64		0.81		(0.63)
Next 4,000 Gallons			6.16		7.33		6.42		7.61		7.08		0.66		(0.53)
Next 4,000 Gallons			5.11		6.08		5.33		6.31		5.88		0.55		(0.43)
Next 4,000 Gallons			4.35		5.18		4.53		5.37		5.00		0.47		(0.37)
Nest 20,000 Gallons			3.61		4.30		3.76		4.46		4.15		0.39		(0.31)
All Consumption Over 40,000 Gallon			1.50		1.79		1.56		1.85		1.73		0.17		(0.12)
Minimum Charg	e														
5/8" Meter	( 4,000 Gallons)	\$	36.04												
5/8" Meter	( 2,000 Gallons)			\$	21.46	\$	18.76	\$	22.26	\$	20.72	\$	1.96	\$	(1.54)
1" Meter	( 10,000 Gallons)		78.40		93.35		81.68		96.82		90.16		8.48		(6.66)
1.5" Meter	( 20,000 Gallons)		128.56		153.08		133.96		158.76		147.84		13.88		(10.92)
2" Meter	( 32,000 Gallons)		171.88		204.66		179.08		212.25		197.64		18.56		(14.61)
3" Meter	( 60,000 Gallons)		230.76		274.77		240.36		284.97		265.44		25.08		(19.53)
4" Meter	(100,000 Gallons)		290.76		346.21		302.76		359.06		334.64		31.88		(24.42)
6" Meter	(200,000 Gallons)		440.76		524.81		458.76		544.29		507.64		48.88		(36.65)